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**From:** Barry, Margaret [Margaret.Barry@arnoldporter.com]  
**Sent:** 10/8/2020 5:47:47 PM  
**To:** Schaaf, Eric [Schaaf.Eric@epa.gov]; Davis Noll, Bethany [bethany.davisnoll@nyu.edu]  
**Subject:** RE: Environmental Law Committee: projects & subcommittees

Thanks for letting us know, Eric. We'll look forward to seeing you in November!

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**From:** Schaaf, Eric <Schaaf.Eric@epa.gov>  
**Sent:** Thursday, October 8, 2020 12:30 PM  
**To:** Davis Noll, Bethany <bethany.davisnoll@nyu.edu>; Barry, Margaret <Margaret.Barry@arnoldporter.com>  
**Subject:** RE: Environmental Law Committee: projects & subcommittees

External E-mail

Bethany and Margaret: I'm afraid I won't be able to make it to this evening's meeting – apologies for the late notice. I hope you both have a great holiday weekend and I look forward to seeing you in November.

Eric

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**From:** Barry, Margaret <Margaret.Barry@arnoldporter.com>  
**Sent:** Tuesday, September 22, 2020 8:38 AM  
**Cc:** Barry, Margaret <Margaret.Barry@arnoldporter.com>; 'bethany.davisnoll@nyu.edu' <bethany.davisnoll@nyu.edu>; 'tannenb@coned.com' <tannenb@coned.com>  
**Subject:** Environmental Law Committee: projects & subcommittees

Dear ELC members,

We enjoyed seeing many of you at our first meeting, and we are looking forward to getting to know each of you better this year. Thank you to everyone for sharing something about your work and interests. Thanks especially to Natalie for convening such a great set of speakers to talk to us about the unjust process faced by residents harmed by the South Ozone Park sewage backup.

At the end of the talk, the attorneys who are working with the residents suggested that the Environmental Law Committee could help by sending a letter to the New York City Comptroller's office expressing concern about the transparency and fairness of the claims process through which the residents must seek compensation. In addition, the speakers indicated that there may be opportunities for attorneys who are interested in pro bono work to represent individual residents in their negotiations with the City or potentially in litigation. If you are interested in helping with the letter to the Comptroller or in the pro bono opportunities, please let us know.

As we mentioned during the meeting, there are several other projects that ELC subcommittees will be working on this year. As promised, below we're including a bit more detail about those endeavors. Please don't think you need to have any particular expertise to work on any of these projects; we encourage all members to participate on one or more of the subcommittees, even if you have only a limited time to commit to it—it is a great way to get to know other committee members. Please email us to let us know which subcommittees/projects you're potentially interested in.

**1. Racial justice and diversity subcommittee:** We formed this subcommittee at the end of last term to explore what the Environmental Law Committee should do to work for racial justice and to actively build a more diverse, equitable, and inclusive profession, beginning with our committee. The subcommittee's first meeting of this term will be this Friday, September 25, 3:00-3:30 PM, on Zoom. We'll be discussing plans for the year. Let us know if you'd like to join the conversation.

**2. Transition memos:** The City Bar has asked whether the ELC might be interested in writing a transition letter or memo to the incoming presidential administration. Here are some more details from the City Bar about this project:

“You are welcome to write whether the incumbent wins or a new president is elected—the decision is entirely up to you, although, historically, the bulk of our transition memos went to new administrations. We are open to providing further guidance to the Trump Administration if it continues into a second term (and you’re willing to devote committee resources to that effort), or to making recommendations contingent on a new president being elected (presumably Joe Biden).

Here is a compendium of the transition memos we sent to the Trump Administration in 2016/2017:  
<https://s3.amazonaws.com/documents.nycbar.org/files/TrumpTransitionCompilation2017.pdf>

And you can find transition memos to prior Presidential administrations here:  
<https://www.nycbar.org/member-and-career-services/committees/us-presidential-transition>

Issues that come to mind include (but are by no means limited to): addressing climate change; developing/supporting renewable energy; and support for transportation and infrastructure improvements to promote efficiency and sustainability.

As always, we encourage collaboration among committees to the extent that areas of interest and/or expertise overlap.”

Let us know if you'd like to help draft a transition memo that the committee could consider sending and if so, what topics you propose we cover.

**3. Green Amendment to the New York State Constitution:** In 2019, the New York State Legislature voted to approve a “Green Amendment” to the New York State Constitution. For the amendment to be added to the Constitution, the Legislature would have to approve it again in the new session that begins in 2021, and the amendment then would have to be adopted by voters. The proposed amendment would state: “Environmental rights. Each person shall have a right to clean air and water, and a healthful environment.” Last fall, the New York State Bar Association asked the City Bar for feedback on the New York State Bar Association Environmental and Energy Law Section’s report supporting the Green Amendment. At the time, our committee formed a subcommittee to advise the City Bar on its position but ultimately decided we were not prepared to take a firm position, in part because we had only a limited time to consider before our feedback was needed. Another wrinkle is that in 2017 a City Bar Task Force on the New York State Constitutional Convention opposed the Green Amendment concept. Given the potential significance of a Green Amendment to the practice of environmental law and to New York City and State more broadly, we are reconvening the subcommittee to consider again whether we should recommend that the City Bar take a position on its adoption. Let us know if you can join this committee.

**4. Plastics policy advocacy:** Following up on last year’s ELC [report](#) and [webinar](#) (video is free for members) on plastics pollution, we would like to explore additional steps to advocate on this issue, including on the specific recommendations in the report. Let us know if you are interested in brainstorming this with us.

**5. Plastics at the NYCBA:** Related to our broader plastics project, last year we investigated and met with City Bar leaders about how the City Bar can reduce its use of plastic and generation of plastic waste. Although this subcommittee’s work has been on hold during the pandemic, we would like to figure out ways to help the City Bar be ready to reduce its plastic footprint when its building is once again in operation.

**6. Air quality:** Last year this subcommittee drafted [comments](#) on EPA’s proposal to retain the current National Ambient Air Quality Standards for particulate matter. There are sure to be other developments in this area in the coming year that the subcommittee may weigh in on.

**7. ???:** We welcome ideas for other issues that members think the committee should learn about or engage on.

Thanks for reading all the way to the end. We hope you're interested in one or more of these projects, and we look forward to seeing all of you at our meeting on Thursday, October 8!

Best,  
Bethany & Margaret

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